

HOUSE COMMUNICATIONS

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TOMORROW'S FORECAST

- * The House will reconvene for its 24th Legislative Day on Tuesday, February 28, at 10:00 am.
- * 9 bills are expected to be debated on the floor.

GEORGIA HOUSE OF REPRESENTATIVES**DAILY REPORT****THURSDAY, FEBRUARY 23, 2006****LEGISLATIVE DAY# 23****TODAY ON THE FLOOR**

Speaker of the House Glenn Richardson gaveled the House into session today, at 10:00 am, for the 23rd legislative day of the 2nd Session of the 148th General Assembly.

AGREE/DISAGREE**HB0978 Capitol Art Standards Commission; create**

- House Bill 978 amends Article 4 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the Georgia Capitol Museum, so as to create the Capitol Art Standards Commission; provides for its membership and appointment; provides for the terms of members of the commission and the filing of vacancies; to provide for duties and responsibilities; to provide for certain recommendations; to provide a definition; to provide for the acceptance of certain funds; to provide limitations on the consideration and passage of bills and resolutions authorizing or requiring the display of certain artwork; to provide for related matters; to repeal Code Section 50-16-5.2 of the O.C.G.A., relating to the creation of the Georgia Art Policy Committee.

- Authored by: Rep. Calvin Hill

- House Committee: Special Rules

- Yea: 140 Nay: 10

- ***Motion to Agree represents Final Passage of this bill***

DEBATE CALENDAR**HB0363 Motor vehicles; state vehicles; license plates; requirements**

- This bill changes the requirements regarding re-plating of private and governmental motor vehicles by increasing the license fee on governmental vehicles.

- Authored by: Rep. Jack Murphy

- Special House Rules Applied: Open

- House Committee: Motor Vehicles

- Yea: 150 Nay: 0

HB0935 Advanced practice registered nurse; controlled substances; provisions

- Amends 16-13-21 to allow advanced practice registered nurse to be considered a Practitioner. Creates a new definition of "advanced practice registered nurse." Provides that physicians may delegate certain medical acts to allow APRNs to issue prescription drug orders and provide professional samples and order certain studies and devices. This bill provides for the conditions of a protocol agreement between a nurse and a physician.

- Authored by: Rep. Sue Burmeister

- Special House Rules Applied: Modified Structured
- House Committee: Judiciary Non-Civil
- ***Motion to Recommit the bill was made by Rep. Burmeister: Motion Passed***

HB1023 Marriage contract; age of majority; provisions

- The bill amends Title 15 relating to juvenile proceedings and petitions for marriage. A 16 or 17 year-old who does not have parental consent may petition the juvenile court for a waiver of the consent. After a hearing the court may decide to waive the 18 year age requirement for marriage.
- Authored by: Rep. Bobby Franklin
- Special House Rules Applied: Open
- House Committee: Judiciary
- Yea: 142 Nay: 26

HB1145 Juvenile proceedings; mental health; change provisions

- This bill reorganizes and makes substantive changes to the Juvenile Code as it pertains to mental competency. The bill redefines “dependent” as a child not mentally competent to stand trial, and that age can be used as a factor for determining competency. “Mentally ill” and “Mental retardation” are added as definitions. The child’s parent or legal guardian has been added to the persons who may motion the court to stay proceedings in order to have a mental evaluation done – if an evaluation is to be performed the court will be required to appoint an attorney for the child if he or she is not yet represented. The bill adds a recommendation for appropriate treatment to the information that mental health examiners should include in their reports. The burden of proving mental incompetence will be on the child. The substitute removes the language that requires that any child found not competent shall not be held in a secure facility any longer than permitted under the law for a mentally ill or disabled child. The substitute requires that the plan manager be responsible for monitoring the competency plan. If the court finds that a juvenile will not become competent to stand trial the court may dismiss the delinquency petition. The court may order civil commitment proceedings, if appropriate, but not less than 60 days prior to the dismissal of the delinquency petition. The substitute allows the prosecuting attorney to seek civil commitment.
- Authored by: Rep. David Ralston
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil
- Yea: 144 Nay: 1

HB1170 Cosmetologists; examination fees; change certain provisions

- HB 1170 would eliminate the State Board of Cosmetology's division director from receiving the fee charged to cosmetologists upon application for certificate of registration, examination, work permit, reciprocity, study at college or school, and other eligibility requirements. HB 1170 would further outsource the national exam; currently the board creates and administers the exam. Board members may attend and observe all written and practical examinations under HB 1170.
- Authored by: Rep. Don Parsons
- Special House Rules Applied: Open
- House Committee: Regulated Industries
- Yea: 132 Nay: 0

HB1195 Civil case; complaints and judgments; change provisions

- Ensures that a civil action is not considered filed until the civil case form is properly filled out; Requires that judgment not be entered until the civil case form is filed
- Authored by: Rep. Wendell Willard
- Special House Rules Applied: Open
- House Committee: Judiciary
- Yea: 73 Nay: 86
- This bill failed to pass the House, but Rep. Willard announced his intention to make a Motion to Reconsider on the next legislative day.

HB1250 - Probation Management Act of 2004; change repeal date

- Changes the repeal date of the "Probation Management Act of 2004" from July 1, 2006 to June 30, 2008.
- Authored by: Rep. Terry Barnard
- Special House Rules Applied: Open
- House Committee: State Institutions & Property
- Yea: 150 Nay: 1

HB1292 Prison chaplains appreciation day; create

- This bill relates to holidays and observances, creating "Prison Chaplains Apperception Day" to be observed the fourth Monday in March of each year. Legislation applies to Chaplains in all state and private correctional institutions in Georgia.
- Authored by: Rep. Mike Keown
- Special House Rules Applied: Open
- House Committee: State Institutions & Property
- Yea: 159 Nay: 0

HR1081 Joint Higher Education Finance and Formula Study Committee; create

- The resolution creates the Joint Higher Ed Finance and Formula Study Committee. The committee will review and evaluate the budgets and funding formula's used by the Board of Regents/University System and the Dept of Technical and Adult Ed. Specifically the committee will:
 - (1) Conduct a review of the current financing of the Board of Regents of the University System of Georgia and the Department of Technical and Adult Education to include an examination of budgeted revenues and expenditures;
 - (2) Recommend revisions to the current funding formula used in calculating funding needs for the Board of Regents of the University System of Georgia;
 - (3) Recommend revisions to the current funding formula used in calculating funding needs for the Department of Technical and Adult Education;
 - (4) Evaluate alternatives for a performance-based funding component for potential use as a component of the financing methodology for both the Board of Regents of the University System of Georgia and the Department of Technical and Adult Education;
 - (5) Establish models demonstrating the state-wide effects of proposed recommendations;
 - (6) Review capital outlay projections and prioritization methodology for the Board of Regents of the University System of Georgia and the Department of Technical and Adult Education; and
 - (7) Develop, as needed, a prioritized implementation schedule for any proposed changes in financing for the Board of Regents of the University System of Georgia and the Department of Technical and Adult Education.
- Authored by: Rep. Bob Smith
- Special House Rules Applied: Open
- House Committee: Higher Education
- Yea: 153 Nay: 0

HR1259 Chatham, Coweta, Douglas, Grady, and Muscogee counties; easements; authorize

- Authorizes the granting of nonexclusive easements for operation and maintenance of facilities, utilities, ingress, and egress in, over, under, upon, across or through property owned by the State of Georgia in the following counties: Chatham, Coweta, Douglas, Grady, and Muscogee.
- Authored by: Rep. Terry Barnard
- Special House Rules Applied: Open
- House Committee: State Institutions & Property
- Yea: 153 Nay: 1

** The House will reconvene Tuesday, February 28 at 10:00 am for its 24th Legislative Day of the 2nd Regular*

COMMITTEE ON RULES

The Committee on Rules today has fixed the calendar for the 24th Legislative Day, Tuesday, February 28, as enumerated below, and can be called at the pleasure of the Speaker of the House.

DEBATE CALENDAR

HB0343 Valdosta State University's Peach State Summer Theatre; designate official musical theatre

- This bill designates the Valdosta State University's Peach State Summer Theatre as Georgia's Official Musical Theatre. It removes Jekyll Island Musical Theatre Festival from the code.
- Authored by: Rep. Ron Borders
- Special House Rules Applied: Open
- House Committee: Higher Education

HB0513 Drivers' licenses; certain records; furnish to Georgia Bureau of Investigation

- This bill allows fire departments and law enforcement agencies to get a copy of the driving record and criminal history of a prospective or active employee. Further, it makes it illegal to disclose the information contained therein for any reason other than official business of the department or agency.
- Authored by: Rep. Austin Scott
- House Special Rules Applied: Modified Structured
- House Committee: Motor Vehicles

HB1126 Correctional officers; insurance benefits; provide exemption

- This bill provides the right of continuation of insurance benefits for former state employees. Provisions are made for an exemption from the eight-year service requirement for correctional officers injured by inmate violence when five years or less from becoming eligible for Medicare coverage.
- Authored by: Rep. Terry Barnard
- House Special Rules Applied: Open
- House Committee: State Institutions & Property

HB1217 Disabled persons; parking permits; provide

- This bill adds requirements on disabled persons parking permits by requiring that the person with the disability be the operator of or a passenger in the vehicle when such permit is being used. Further, it allows for the application of the permit via mail when accompanied by an affidavit specifying the disability and signed by a doctor.
- Authored by: Rep. Jack Murphy
- House Special Rules Applied: Open
- House Committee: Motor Vehicles

HB1219 Sales and use tax exemption; certain school supplies; energy efficient products; provide

- This bill provides for a Sales Tax Holiday from July 13, 2006 through July 16, 2006 on school supplies up to \$20; clothing and footwear with a sales price of \$100 or less; personal computers and equipment with a sales price of \$1500 or less, and purchases of energy efficient products with a sales price of \$1500 or less per product for noncommercial or personal use. The bill further expands the list of energy efficient products by including windows and doors.
- Authored by: Rep. Lynn Smith
- House Special Rules Applied: Structured

- House Committee: Ways & Means

HB1272 Sales and use tax exemption; nonprofit volunteer health clinics; provide

- This bill provides for a sales tax exemption on sales of tangible personal property to nonprofit volunteer health clinics.
- Authored by: Rep. Tom Graves
- House Special Rules Applied: Structured
- House Committee: Ways & Means

HB1304 Life insurance; proceeds; provisions

- This bill provides that neither the cash surrender values nor the proceeds of life insurance policies and annuity contracts shall be liable to attachment, garnishment, or legal process in favor of any creditor of the person for whose use or benefit the policy or contract was executed. Further, this bill provides that the proceeds of life insurance policies that are payable to the insured's estate or executor, administrator, or assign shall become a part of the insured's estate to be administered as all other estate assets. In addition, HB 1304 provides for the discharge from liability for any insurer for payments in accordance with such provisions.
- Authored by: Rep. Tom Knox
- House Special Rules Applied: Open
- House Committee: Insurance

HR0084 Valdosta State University's Peach State Summer Theatre; designate official musical theatre

- The resolution would designate the Valdosta State University's Peach State Summer Theatre as Georgia's Official Musical Theatre. The partnership between VSU and Jekyll Island Authority has been dissolved and the program has moved to VSU campus.
- Authored by: Rep. Ron Borders
- House Special Rules Applied: Open
- House Committee: Higher Education

HR1395 Wiley T. Nixon Capitol Post Office; name

- A resolution honoring Wiley T. Nixon and naming the Wiley T. Nixon Capitol Post Office in his honor.
- Authored by: Rep. Barry Loudermilk
- House Special Rules Applied: Open
- House Committee: Special Rules

** The Rules Committee will next meet on Tuesday, February 28 at 9:00 am to set the Debate Calendar for the 25th Legislative Day.*

COMMITTEE ACTION REPORT

AGRICULTURE

HB1404 Commissioner of Agriculture; farmers' market; change provisions

- This bill was brought by the Department of Agriculture in response to an Attorney General Recommendation that some language be added to improve standing in court cases where Dept. of Ag. Market Police are involved. This bill would add to and clarify language relating to the Commissioner's duty to provide for safety and security at the farmer's markets by vesting the Commissioner with police powers to enforce the laws that govern and control farmer's markets. The Commissioner would be authorized to employ, designate, deputize, and delegate to employees of the department the authority to

exercise the police powers provided under this section. Further, the employees would be required to be certified as any other law enforcement officer in this state by the Peace Officers Standards and Training Council.

- Authored By: Rep. Tom McCall
- Committee Action: Do Pass

ECONOMIC DEVELOPMENT & TOURISM

HR1052 Winegrowers Assn of GA; fine wines; urge restaurants to list

- The resolution urges state owned facilities that serve wine, to list wine produced by the Winegrowers Association of Georgia
- Authored By: Rep. Judy Manning
- Committee Action: Do Pass

HR1432 NASCAR Hall of Fame; Atlanta, Georgia location; urge

- This resolution urges that the future NASCAR Hall of Fame and museum be located in Atlanta, Georgia.
- Authored By: Rep. Charlice Byrd
- Committee Action: Do Pass

GAME, FISH & PARKS

HB1285 Wildlife; unlawful enticement of; amend provisions

- This bill would make it lawful to hunt deer in the vicinity of feed or bait south of a line drawn through the following counties: Heard, Troup, Meriwether, Pike, Lamar, Monroe, Jones, Baldwin, Washington, Glascock, Jefferson, and Burke. Legal status with regard to hunting deer in the vicinity of bait north of such line would remain as it currently is: it is lawful to hunt deer in the vicinity of food or bait if the hunter is at least 200 yards away from and not within sight of the feed or bait.
- Authored By: Rep. Jay Roberts
- Committee Action: Do Pass without Recommendation

GOVERNMENT AFFAIRS

HB1100 Counties and municipal corporations; fraud, waste, and abuse; provisions

- A public employer may receive and investigate complaints or information from any public employee concerning the possible existence of any activity constituting fraud, waste, and abuse in or relating to any county or city programs and operations. Public employer shall not after receipt of a complaint or information from a public employee disclose the identity of the public employee without the written consent the employee, unless the public employer determines such disclosure is necessary and unavoidable during the course of the investigation. No public employer shall make, adopt, or enforce any policy or practice preventing a public employee from disclosing a violation of a law, rule, or regulation to either a supervisor or a government agency. The employer must not retaliate against a public employee for disclosing a violation of or noncompliance with a law, rule, or regulation to either a supervisor or a government agency, unless the disclosure was made with knowledge that the disclosure was false or with reckless disregard for its truth or falsity.
- Authored By: Rep. Mike Jacobs
- Committee Action: Do Pass

HB1246 State flag; deceased Georgia elected state officials; provide

- This bill provides for state flags to honor deceased Georgia elected state officials to be given to the family of said official by the Secretary of State free of charge.
- Authored By: Rep. Earnestine Howard
- Committee Action: Do Pass

HB1286 Elections; absentee ballots; provisions

- This bill provides that challenges to absentee voters must be made no later than 12:00 Noon on the Monday prior to a primary, election, or runoff and that a DRE unit that is accessible to disabled voters shall be provided at sites where absentee ballots are cast in person. HB 1286 provides that the outer envelopes of absentee ballots may be opened on the Monday prior to a primary, election, or runoff. Further, the bill provides in certain circumstances that the county election superintendent may begin the tabulation of absentee ballots prior to the close of the polls on the day of a primary, election, or runoff. Further, this bill provides procedures for such tabulation and that absentee ballots that are enclosed in an outer envelope but not contained in an inner
- Authored By: Rep. Austin Scott
- Committee Action: Do Pass

HB1319 Georgia Environmental Facilities Authority; change certain provisions

- This bill changes certain provisions relating to definitions relative to the Georgia Environmental Facilities Authority, as well as certain provisions relating to purpose, powers, and duties of the authority. HB 1319 also changes certain provisions relating to loans to local governments and repayment thereof. Further, this bill also changes certain provisions relating to review of contracts and agreements with local governments by the EPD of the DNR.
- Authored By: Rep. Lynn Smith
- Committee Action: Do Pass

HR0386 Community Development Block Grant Program; urge support

- A RESOLUTION urging continued support for the Community Development Block Grant (CDBG) Program.
- Authored By: Rep. Lynmore James
- Committee Action: Do Pass

HEALTH & HUMAN SERVICES**HB1092 Suicide Prevention Program; create**

- This bill would set up a Suicide Prevention Program inside the DHR to gather information and disseminate said information as well as best-practices, and suicide prevention guidelines to various agencies and groups. The general aim is to assist the state and other actors in reducing suicide in Georgia.
- Authored By: Rep. Judy Manning
- Committee Action: Do Pass by Committee Substitute

HB1178 Prescription drugs; unused; medically indigent persons; establish program

- This bill would charge the state Health Agencies and the Board of Pharmacy with creating and adminis-

tering a program to dispense surplus medicines to indigent persons.

- Authored By: Rep. Cecily Hill
- Committee Action: Do Pass by Committee Substitute

HB1223 County Board of Health; contracts; revise certain provisions

- This bill does several things concerning the operations of County Boards of Health, including preventing Boards from acting as service boards but allowing concurrent membership on such boards, clarifies the definition of a CSB and their boundaries, sets guidelines for the composition of the boards, provides for the appointment of board directors, treats CSBs as private corporate entities, incorporate non-profit organizations, provides for high level oversight of CSBs, and sets their tort liability as in line with that of the state, while also exempting them from anti-trust governance.

- Authored By: Rep. Jeff Brown
- Committee Action: Do Pass

HB1224 Health Share Volunteers in Medicine Act; revise certain definitions

- Changes definitions inside the Healthshare Volunteers in Medicine Act to limit DHR recommendation guidelines to families with incomes of less than twice the Federal poverty level, and defines volunteer as someone who helps the program with or without

- Authored By: Rep. Mickey Channell
- Committee Action: Do Pass by Committee Substitute

HR1232 House Medical Device Study Committee; create

- Creates the House Medical Device Study Committee, which will look into matters concerning surgically implanted medical devices and SHBP/Medicaid Issues concerning them between the 2006 and 2007 sessions.

- Authored By: Rep. Terry Coleman
- Committee Action: Do Pass

HUMAN RELATIONS & AGING

HB1364 "Georgia Medicare Part D Authorized Decision Makers Act"

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- Authored By: Rep. Donna Sheldon
- Committee Action: Do Pass

HR0513 National alert system; missing adults; urge Congress enact

- A resolution urging Congress to enact legislation establishing a national alert system for missing adults who suffer from Alzheimer's disease, Autism, dementia, and other cognitive and mental impairments.

- Authored By: Rep. LaNett Stanley-Turner
- Committee Action: Do Pass

HR1345 Proposes an amendment to the State Constituent preventing discrimination in public funding of social services by allowing religious or faith based organizations to received public aid

- This resolution proposes an amendment to the Georgia Constitution which mirrors the U.S. Constitution

to prevent discrimination in the public funding of social services by allowing religious or faith based organizations to receive public aid, for the provision of such services and to provide for the submission of this amendment for ratification or rejection. The ballot submitting the proposed amendment shall have written or printed the following: "() YES Shall the Constitution of Georgia be amended in a manner consistent with the United States Constitution so as to prevent () NO discrimination in the public funding of social services by allowing religious or faith based organizations to receive public aid, directly or

- Authored By: Rep. Vance Smith

- Committee Action: Do Pass

JUDICIARY-CIVIL

HB1105 Contracting business; documentation of full-time engagement; provisions

- Creates new code section 43-14-8(h) and provides that no business can engage in conditioned air contracting unless such business is performing such services on a full-time basis and have a valid license. Any person who violates this provision can be fined up to \$1,000.00 for each occurrence and can be denied a license for 5 years. Creates 44-14-15 which provides Agents of a corporation may provide such services so long as the principals, officers, members, or partners of such company are licensed and the

company has received a certificate of authorization by the Board. Provisions for obtaining such certificate are set out in this bill.

- Authored By: Rep. Ron Dodson

- Committee Action: Do Pass

HB1243 Construction defects; resolution; change certain provisions

- Changes provisions related to the resolution of construction defects and provides for dispute resolution between contractors and homeowners with regard to construction defects.

- Authored By: Rep. Wendell Willard

- Committee Action: Do Pass by Committee Substitute

JUDICIARY NON-CIVIL

HB1094 Motor vehicle; alcoholic beverage; provisions

- Amends 40-6-253 so as to provide that any violation for possession of an open container of alcohol in the passenger side of a motor vehicle shall be considered a misdemeanor and the fine ceiling for same is raised to \$500.00.

- Authored By: Rep. Tim Bearden

- Committee Action: Do Pass

HB1275 Commercial Driver's license; violation; provide for revocation

- Creates code section 16-8-8 which provides for revocation of a defendant's commercial driver's license when they are convicted of theft with such a vehicle. Is an addition to other penalties assessed. The bill also amends Code Section 40-5-151 to reflect the changes in 16-8-8.

- Authored By: Rep. Vance Smith

- Committee Action: Do Pass by Committee Substitute

SCIENCE & TECHNOLOGY

HB1307 Georgia Register; publication; change certain provisions

- This bill would cause the Georgia Register to be published in an electronic format only.
- Authored By: Rep. Barry Loudermilk
- Committee Action: Do Pass

WAYS & MEANS

HB1012 Provides for additional bond performance audit requirements.

- This bill requires that revenue and general obligation bonds, issued by a county, municipality or local authority, in an amount of \$5 million or more, shall be subject to an ongoing performance audit or review. The bill further provides that the entity expending the bond proceeds shall provide for a continuing performance audit or review of the expenditures of such funds. The county, municipality, or local authority expending these proceeds must contract with a C.P.A. or an outside auditor, consultant or other provider that is accredited or certified in the field of performance audits or review, selected through a public request for proposals process, to perform a continuing audit or review of such expenditures. The cost of the audit or review shall be paid from the proceeds of the bonds, unless a special waiver is advertised, in bold print, which specifically states that no such audit or review shall be conducted. Such contracts shall include a goal of ensuring that the proceeds were spent efficiently and economically so that the maximum benefit of the bonds were recognized; provide for the issuance of periodic public reports; and provide for the issuance of periodic public recommendations.
- Authored by: Rep. Fran Millar
- Committee Action: Do Pass by Committee Substitute
- *This bill had been previously passed out of committee, but was recommitted to the committee.*

HB1018 Provides for a sales tax exemption for biomass material.

- This bill provides for a sales tax exemption for biomass material utilized in the production of energy which is subsequently sold. 'Biomass material' is defined as organic matter, excluding fossil fuels. An itemized list of qualifying materials is enumerated within the bill.
- Authored By: Rep. Jeff Lewis
- Committee Action: Do Pass by Committee Substitute

HB1083 Provides for a sales tax exemption for the Georgia Medical Center Authority

- This bill redefines the corporate purpose and general nature of the business of the Georgia Medical Center Authority from biomedical and biotechnical research centers facilities and programs based in Augusta to life sciences industry research and development and manufacturing facilities and programs based throughout the State of Georgia. It further allows the authority to issue bonds and provides for a sales tax exemption on property purchased by the authority.
- Authored By: Rep. Ben Harbin
- Committee Action: Do Pass by Committee Substitute

HB1294 Education; nonlapsing revenue of institutions; change certain provisions

- This bill provides that revenue collected by any or all university system institutions from departmental

sales or services shall not lapse. Current law only allows for revenue collected by such institutions from continuing education or technology fees and indirect cost recoveries not to lapse. This section will be repealed on June 30, 2008. This bill further expands nonlapsing revenue of institutions to include institutions under the Department of Technical and Adult Education. Current law only provides for university systems. This section will be repealed on June 30, 2008.

- Authored By: Rep. Bob Smith

- Committee Action: Do Pass

** Committee action reports are edited for this report. For full content, please contact the House Committee Services Office at 404-656-3206. Bills passing committees are reported to the Clerk's Office and are then placed on the General Calendar for Rules Consideration.*

COMMITTEE BROADCAST SCHEDULE

11:00 am Government Affairs
606 CLOB

** To view the committee broadcast, please the Georgia Legislative Network's link at www.legis.ga.gov*

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